

REMARKS

This paper is submitted in response to the final Office action dated July 7, 2009 (the “Final Office Action”). Claims 1, 2, 5, 9, 16-19, 22, 26, 33-34, 38-43, and 45-62 are pending. Claims 1, 2, 5, 9, 16-19, 22, 26, 33-34, 38-43, and 45-62 stand rejected.

While not conceding that the cited reference(s) qualify as prior art, but instead to expedite prosecution, Applicant has chosen to respond as follows. Applicant respectfully submits that the pending claims are allowable in view of the following remarks, and respectfully requests reconsideration of the pending rejections.

Claim rejections under 35 U.S.C. § 103(a) of Claims 61 and 62

Claims 61 and 62¹ stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over U.S. Patent No. 5,416,903 issued to Malcolm (“**Malcolm**”). Applicant respectfully submits that the claims each include limitations that are absent from the cited passages of Malcolm in view of the knowledge available to a person having ordinary skill in the art.

Applicant’s independent claim 61 includes:

storing a first set of language dependent code in a memory, wherein . . . the first set of language dependent code comprises code for a user interface of a first development stage of a computer-implemented application,
modifying the first set of language dependent code, wherein the modifying the first set of language dependent code comprises generating an internationalized version of the first set of language dependent code, . . .
modifying the internationalized version of the first set of language dependent code, . . .

¹ The Final Office Action appears to include a clerical error regarding the listing of claims that are rejected over Malcolm as a single reference. On p. 15, the Final Office Action indicates that these claims are claims 1, 2, 5, 9, 16-19, 22, 26, 33-34, 38-43, and 45-53. However, only claims 61 and 62 are subsequently discussed in the context of this single reference. Thus, Applicant understands this rejection to apply only to claims 61 and 62. Again, if this understanding is in error, Applicant requests clarification.

storing a second set of language dependent code in the memory, wherein . . . the storing the second set of language dependent code is performed **only after** commencement of the modifying the first set of language dependent code;
modifying the second set of language dependent code, wherein
the modifying the second set of language dependent code comprises generating an internationalized version of the second set of language dependent code, . . .
storing a third set of language dependent code in the memory, wherein . . .
the storing the third set of language dependent code is performed **only after** commencement of the modifying the internationalized version of the first set of language dependent code.

(Emphasis added.)

Claim 61 relates to a development of a computer-related application. The development is described as being divided in two different ways. First, the code being developed includes at least three sets of code: first, second, and third sets of language dependent code, which correspond to first, second, and third development stages of the computer-related application. Second, the operations are delimited into various recited acts (e.g., acts of storing sets of code, modifying sets of code, generating internationalized versions of sets of code, generating target-language versions, etc.).

The limitations of claim 61 include various explicit temporal relationships between different acts that are performed on different sets of code. For example, one set of language dependent code (the second set) is stored “only after” a modification has commenced for another set of language dependent code (the first set). That is, the storing of the second set of language dependent code does not occur at any time before the modifying has commenced for the first set of language dependent code.

In addition, yet another set of language dependent code (the third set) is stored “only after” a modification has commenced for an internationalized version of the first set of language dependent code. That is, the storing of the third set of language dependent code does not occur

at any time before the modifying has commenced for the internationalized version of first set of language dependent code.

A. The Final Office Action’s assessment of Malcolm’s “stages” cannot be equated with the sets of code in Applicant’s claim 61.

The Final Office Action correctly acknowledges that the temporal requirements of claim 61 (and numerous other limitations) are absent from Malcolm. See Final Office Action, p. 17 (last paragraph)—p. 19 (third paragraph). With regard to these limitations, the Final Office Action states:

by definition of a first stage to second stage, it is obvious, that in subsequent processing, a first stage would commence before action on a subsequent stage.

Final Office Action, p. 19.

Here, the Final Office Action brushes aside the detailed limitations that are explicitly recited in claim 61. Even if it were obvious that a “first” set of code is acted upon before a “second” set of code, that would not render obvious the specific and particular limitations of claim 61, such as:

- “storing a second set of language dependent code in the memory . . . only after commencement of the modifying the first set of language dependent code,” or
- “storing a third set of language dependent code in the memory, . . . only after commencement of the modifying the internationalized version of the first set of language dependent code,”

as recited in independent claim 61.

In addition, the Final Office Action has erred in its interpretation of Malcolm's "stages." The Office Action appears to take the position that Malcolm's "stages" are equivalent to Applicant's first, second, and third sets of language dependent code. This characterization of Malcolm is erroneous. Malcolm's single use of the word "stages," on which the pending rejection heavily relies, comes from an observation that "a product progresses through various stages prior to the end product." See Malcolm, 10:16-21 (emphasis added). Where Malcolm uses this term, it relates to phases in the development of a product, and not to portions of the product. The Final Office Action thus errs by applying this concept from Malcolm to Applicant's first, second, and third sets of language dependent code.

A correct understanding of Malcolm's stages could analogize these stages to operations that are performed in an engineering/software project. Thus, it could be argued that Malcolm's stages correspond to (but are not necessarily equivalent to) the recited operations of storing sets of code, modifying sets of code, generating an internationalized version of sets of code, generating target-language versions, etc. in claim 61. With this understanding, the next steps in the analysis would be to assess whether Malcolm's stages are equivalent to the recited acts in claim 61. In particular, a relevant question is whether the detailed temporal relationships among the operations recited in claim 61 are rendered obvious. As discussed below, these particular relationships are non-obvious over the teachings of Malcolm for at least two separate reasons: first, the Final Office Action's cited interchangeability of "stages" is contrary to the limitations of claim 61, and second, Malcolm's mention of activities done "in parallel" does not render obvious the temporal limitations in Applicant's claim 61.

B. The Final Office Action’s assessment of interchangeable stages is contrary to the limitations in claim 61 regarding temporal relationships between distinct operations on different sets of code.

The Final Office Action also correctly acknowledges that Malcolm fails to individually address various different sets of code. See Final Office Action, p. 17 (last paragraph)—p. 19 (third paragraph). Rather, the Final Office Action conjectures that the cited operations in Malcolm are for a “first stage,” and proposes that:

all the elements for [Malcolm’s] first stage . . . may be applied to each stage of the development.

See, Final Office Action, p. 19.

As discussed above, the Office Action appears to erroneously take the position that Malcolm’s “stages” are equivalent to Applicant’s first, second, and third sets of language dependent code. In addition, the Office Action asserts that whatever actions are performed on one of these “stages” can be applied to the others as well.

Even if these characterizations of Malcolm were appropriate (a point which Applicant certainly does not concede), they would fail to support the rejection of claim 61. At best, these characterizations of Malcolm would make clear that Malcolm fails to distinguish between an operation on one set of code and a corresponding operation on another set of code.

That lack of distinction is counter to the limitations of claim 61. Claim 61 makes explicitly clear that the first, second, and third sets of language dependent code are addressed distinctly. In particular, as explained above, certain operations on various sets of language dependent code (e.g., the storing the third set of language dependent code) must be performed with a particular consideration to operations on other sets of language dependent code (e.g., only

after commencement of the modifying the internationalized version of the first set of language dependent code). The Final Office Action's proposition—that Malcolm's "stages" can be treated interchangeably—is counter to the limitations recited in Applicant's claim 61. At least for these reasons, independent claim 61 is allowable under § 103(a) over the cited portions of Malcolm taken in view of the knowledge available to a skilled artisan.

C. Malcolm's mention of a general engineering principle does not render obvious all uses of that principle.

Malcolm states:

As a further aid in the translation process, it has been found to be extremely useful to track and log changes made during the development of the initial panels. Such changes are common in a typical engineering/software development cycle, when a product progresses through various stages prior to the end product. For example, testing may discover errors in the program, the user interface may be objected to by a human-factors specialist, etc. Yet, in order to decrease development time of products (or 'time to market'), numerous activities must be done in parallel to reduce the overall time requirements. Therefore, a set of screen panels for a given application may need to be sent to a translation center before the final program code is completed. This is desirable in that translation centers can add significant time delays in translating a product, and by getting this phase going early on, prior to final code delivery, the overall development time can potentially be reduced. However, when the translation centers begin work on a pre-release version of code, the potential exists that what is desired in the final product may have different screen panels, requiring a different language dependent file for translation. There is no convenient method for indicating how a subsequent language dependent file differs from an earlier received version.

Malcolm, 10:16-56 (emphasis added).

This passage mentions the "stages" on which the Final Office Action relies for the pending rejection of claim 61. Malcolm teaches that the development of an engineering/software

product typically progresses through various stages prior to the end product. See Malcolm, 10:16-21. This passage further recognizes that “numerous activities must be done in parallel” to reduce the overall time requirements in development.

However, different development environments need to carefully and judiciously select which activities need to be done in parallel with which other activities, if the result is to be an effective reduction in the total development time. In the particular case of Malcolm, the reference goes on to describe one particular selection that is helpful in that environment: the translation of screen panels can begin before the final code is completed. See Malcolm, 10:27-29.

The Final Office Action appears to take the position that this one example portends all possible evaluations and engineering decisions that can be made in selecting parallel operations. Applicant respectfully disagrees. A general recognition that certain processes can be performed in parallel (as in Malcolm) does not make it a trivial task to find the relevant solutions in other situations that may benefit from performing distinct tasks with particular temporal relationships. In particular, this general observation from Malcolm fails to render obvious the particular requirements of **“storing a second set of language dependent code in the memory . . . only after commencement of the modifying the first set of language dependent code,”** or **“storing a third set of language dependent code in the memory, . . . only after commencement of the modifying the internationalized version of the first set of language dependent code,”** as recited in claim 61.

At least for these reasons, independent claim 61 is allowable under § 103(a). At least for similar reasons, claim 62 is also allowable under § 103(a), being dependent on an allowable base claim.

Claim rejections under 35 U.S.C. § 103(a) of
claims 1, 2, 5, 9, 16-19, 22, 26, 33-34, 38-43, 45-54, 56, 58 and 60

Claims 1, 2, 5, 9, 16-19, 22, 26, 33-34, 38-43, 45-54, 56, 58 and 60 stand rejected under § 103(a) as purportedly being unpatentable over U.S. Patent No. 6,442,516 issued to Lee et al. (“**Lee**”) in view of U.S. Patent No. 6,425,123 issued to Rojas et al. (“**Rojas**”), in view of Malcolm. Claims 55, 57, and 59² stand rejected under § 103(a) as purportedly being unpatentable over Lee in view of Rojas, in view of Malcolm, and further in view of U.S. Patent No. 6,185,729 issued to Watanabe, et al. (“**Watanabe**”). Applicant respectfully submits that the claims each include limitations that are absent from the cited passages of Lee, Rojas, Malcolm, or Watanabe, whether taken individually or in combination, in view of the knowledge available to a person having ordinary skill in the art.

For example, independent claim 1 includes developing a first stage, a second stage, and a third stage of the base version of an application; facilitating an internationalization of the base version of the application; and facilitating a localization of the base version of the application. Claim 1 further recites that various operations include specific temporal relationships:

the internationalization of the second stage is performed concurrently with the developing of the third stage; and . . .
the localization of the first stage is performed concurrently with the internationalization of the second stage.

² The Final Office Action appears to include a clerical error regarding the listing of claims that are rejected over the combination of Lee, Rojas, Malcolm, and Watanabe. On p. 14, the Final Office Action indicates that these claims are claims 1, 2, 5, 9, 16-19, 22, 26, 33-34, 38-43, and 45-53. However, only claims 55, 57, and 59 are subsequently discussed in the context of this combination. Thus, Applicant understands this rejection to apply only to claims 55, 57, and 59. If this understanding is in error, Applicant requests clarification.

Applicant respectfully submits that, among others, these limitations regarding the concurrent timing of particular activities are not disclosed or fairly suggested in the cited passages of the references.

With regard to these limitations, the Office Action hypothesizes that:

The development of [Malcolm's] product could be done simultaneously, concurrently, and in parallel.

See, Final Office Action, p. 3. This speculation regarding the specific temporal limitations of claim 1 is not supported by the cited passages. With regard to these limitations, the Final Office Action initially cites elements of Lee and Malcolm. See Final Office Action, pp. 2-3.

The Final Office Action correctly acknowledges, however, that Lee (and Rojas as well) fail to disclose the temporal limitations that various acts are performed “concurrently.” See Final Office Action, p. 6, second paragraph—p. 7, first paragraph. And finally, the Final Office Action turns to the mention in Malcolm of an example in which:

various stages . . . [are] done in parallel.

Final Office Action, p. 7 (citing Malcolm, 10:16-35).

This argument thus ultimately rests on the same single passage from Malcolm that was discussed above with regard to Applicant's independent claim 1. The above arguments regarding differences between Malcolm and the temporal limitations in claim 61 apply with equal force to the rejection of independent claim 1. In particular, Malcolm's recognition that certain processes can be performed in parallel in Malcolm's example does not render obvious the particular solutions that would be relevant in other situations. In particular, the example from Malcolm fails to render obvious the particular limitations that **“the internationalization of the second stage is performed concurrently with the developing of the third stage,”** or that **“the**

localization of the first stage is performed concurrently with the internationalization of the second stage” as recited in claim 1.

The Final Office Action acknowledges that these limitations are absent from Lee and Rojas. See Final Office Action, p. 6. The Final Office Action does not cite Watanabe with regard to these limitations, and Applicant does not find these limitations in the cited passages of Watanabe. The Final Office Action also does not find these specific limitations in Malcolm, but resorts instead to a mention of activities “done in parallel.” See Final Office Action, p. 7. These limitations are therefore absent from the cited passages. At least for these reasons, independent claim 1 is allowable under § 103(a).

At least for similar reasons, independent claims 18 and 34 are also allowable under § 103(a). Claims 2, 5, 9, 16-17, 19, 22, 26, 33, 38-43, 45-54, 56, 58 and 60 are similarly allowable under § 103(a), being dependent on allowable base claims.

CONCLUSION

In view of the remarks set forth herein, the application and the claims therein are believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5097.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. The undersigned hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. §§ 1.16 or 1.17, be charged to deposit account no. 502306.

I hereby certify that this correspondence is being submitted to the U.S. Patent and Trademark Office in accordance with 37 C.F.R. § 1.8 on September 8, 2009 by being (a) transmitted via the USPTO's electronic filing system; or (b) transmitted by facsimile to 571-273-8300; or (c) deposited with the U.S. Postal Service as First Class Mail in an envelope with sufficient postage addressed to: Mail Stop AE, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450.

/ Cyrus F. Bharucha /
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